

**TRANSMITTAL LETTER**  
**(General - Patent Pending)**

Docket No.  
**0108**

*PFW*

Re: Application Of: **Ziegler et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/084,795	2/25/2002	Phi Dieu Tran, A.	00112	3637	7876

Title: **SUPPORT GRID SYSTEM**

COMMISSIONER FOR PATENTS:

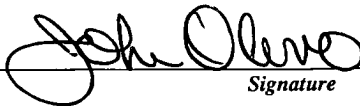
Transmitted herewith is:

**Appeal Brief Submitted in Response to Notification of Non-Compliant Appeal Brief  
Return Post Card**

in the above identified application.

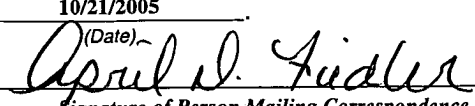
- ☒ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **012400**  
as described below.
- ☐ Charge the amount of \_\_\_\_\_
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
Signature

**John M. Olivo**  
**Reg. No. 51,004**

Dated: **October 21, 2005**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <b>10/21/2005</b>	
 (Date)~ Signature of Person Mailing Correspondence	
<b>April D. Fiedler</b> Typed or Printed Name of Person Mailing Correspondence	

CC:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of:	)	Art Unit: 3637
	)	
Ziegler et al.	)	Examiner: Phi Dieu Tran, A
	)	
Serial No.: 10/084,795	)	Confirmation No.: 7876
	)	
Filed: February 25, 2002	)	Customer No.: 00112
	)	
For: SUPPORT GRID SYSTEM	)	Docket No.: 0108

**APPEAL BRIEF**

**Submitted in Response to Notification of Non-Compliant Appeal Brief**  
**Mailed September 23, 2005**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This brief is submitted in response to the Notification of Non-Complaint Appeal Brief  
(37 CFR 41.37), mailed September 23, 2005, in which the Examiner objected to the Appeal Brief  
filed, June 20, 2005.

TABLE OF CONTENTS

Real Party in Interest .....	3
Related Appeals and Interferences .....	4
Status of Claims .....	5
Status of Amendments .....	6
Summary of Claimed Subject Matter .....	7
Grounds of Rejection to be Reviewed on Appeal .....	8
Argument .....	9
Claims Appendix .....	13
Evidence Appendix .....	16
Related Proceedings Appendix .....	17

Appln. No. 10/084,795

Amended Appeal Brief Dated October 21, 2005

Reply to Notification of Non-Compliant Appeal Brief Dated September 23, 2005

**REAL PARTY IN INTEREST**

The real party in interest in this application is Armstrong World Industries, Inc., the assignee of the present application.

### RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellants, or Appellants' legal representatives, which will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending Appeal.

STATUS OF CLAIMS

Claims 2-4, 10-15 and 17-21 have been cancelled.

Claims 1, 5-9, 16 and 22 are pending in the application, are under rejection and are hereby appealed.

Appln. No. 10/084,795

Amended Appeal Brief Dated October 21, 2005

Reply to Notification of Non-Compliant Appeal Brief Dated September 23, 2005

### STATUS OF AMENDMENTS

There were no amendments filed subsequent to final rejection in this application.

Therefore, the claims are as they appear in the October 29, 2004, amendment.

### SUMMARY OF CLAIMED SUBJECT MATTER

The subject matter of independent claim 1 is a ceiling system having: a grid formed from a plurality of parallel-extending main runners (10) and a plurality of cross runners. Each of the main runners has a vertical web and a bulb portion (14) (page 3, lines 20-21). The ceiling system further includes a plurality of compression struts (12) (page 3, lines 8-9), a plurality of panels resting within the grid (page 6, lines 7-19) and a plurality of clips (2) (page 3, lines 8-9). Each clip has a first leg (6), a second leg (4) and a mid-portion (8) disposed between the first and second legs (page 3, lines 9-10 and page 4, line 1). The first leg of each clip is in direct contact with and is secured to the vertical web of a main runner (page 3, line 10). The second leg of each clip is in direct contact with and is secured to the compression strut (page 3, lines 10-11). The mid-portion of each clip conforms to the bulb portion of a main runner (page 4, lines 2-3). The bulb portion of the main runner is interposed between the compression strut and the mid-portion of the clip (Figures 1c and 3).

The subject matter of independent claim 9 is a support member for a ceiling panel which comprises a main runner (10), a compression strut (12) and a clip (2) (page 3, lines 5-9). The main runner has a vertical web and a bulb portion (14) (page 3, lines 20-21). The clip has a first leg (6), a second leg (4) and a mid-portion (8) (page 3, lines 9-10 and page 4, line 1). The first leg of the clip is in direct contact with and is secured to the vertical web of the main runner (page 3, line 10). The second leg of the clip is in direct contact with and is secured to the compression strut (page 3, lines 10-11). The mid-portion of the clip is disposed between the first leg and second leg and is shaped to conform to the bulb portion of the main runner (page 4, lines 1-3). The bulb portion of the main runner is interposed between the compression strut and the mid-portion of the clip (Figures 1c and 3).



GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1, 5, 8, 9, 16 and 22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,545,166 to Kielmeyer.

Claims 6 and 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kielmeyer.

## ARGUMENT

Attorney for Applicants will argue separately the patentability of independent claims 1 and 9 and dependent claims 6 and 7. The remaining claims stand or fall with the claims from which they depend.

### Rejection under 35 U.S.C. § 102(b) over Kielmeyer

#### Claims 1 and 9

By way of background, Kielmeyer describes a ceiling system for commercial buildings which can be height adjusted. The system includes a hat-shaped channel which is suspended from a bar joist, steel purlin or wood joist by a suspension assembly. A C-shaped clamp with locking ring, a cylindrical rod and two spring clamps complete the suspension assembly.

On page 2 of the Final Official Action of January 12, 2005 (“the Final Official Action”), the PTO asserts that

Kielmeyer shows a ceiling system having . . . a plurality of compression struts (51) attached to the grid, . . . a plurality of clips (parts 39, 32, 30, 28, 24, 25 together forming a clip), each clip having a first leg (25), a second leg (39), a midportion (24, 29) disposed between the first and second leg, each first leg is in direct contact with and is secured to the vertical web of the main runner, each second leg is in direct contact with and is secured to the compression runner and each midportion conforms to the bulb portion of a main runner, the bulb portion being interposed between the compression strut and the mid-portion, . . .

(Emphasis Added).

As stated by the Appellants in their Reply of October 29, 2004 (“the Reply”), to the non-final Office Action of August 2, 2004, a key feature of the invention is the “compression strut”.

In the Final Official Action the Examiner asserts that Appellants recited compression strut, indicated by reference numeral 12, is taught by element 51 of Kielmeyer. In the Reply, Appellants directed the PTO to column 2, line 66 where Kielmeyer describes element 51 as a “bar joist”. Appellants further explained that Kielmeyer’s “bar joist” is the basic support structure of the previous ceiling, and is akin to a construction beam.

In an attempt to educate the Examiner, and to further distinguish Kielmeyer’s element (51) from the “compression strut” recited in claims 1 and 9, Appellants provided the ordinary meaning of “strut”, as defined in the dictionary to illustrate that there is a clear structural difference between the “strut” recited in Appellant’s claims 1 and 9 and Kielmeyer’s element (51). As set forth in the Reply, the dictionary definition of a “strut” is any piece of a frame which resists thrust or pressure in the direction of its own length. Appellants attempted to make a point in the Reply that the claimed “compression strut” was akin to this dictionary definition. In contrast to both Appellants’ claimed strut and the dictionary definition, Appellants respectfully reiterate that Kielmeyer offers no description or suggestion that element 51, or any other component of his ceiling system, is a “strut”, in that it provides resistance in the direction of its own length when an upward thrust or pressure, such as wind uplift, is applied. As Kielmeyer’s system does not contain a “strut” as required by independent claims 1 and 9, these claims, and all claims which depend therefrom, should be found allowable.

Additionally, claims 1 and 9 require that “the bulb portion [of the main runner] is interposed between the compression strut and the mid-portion of the clip.” In other words, Appellants’ bulb portion 14 interposes the compression strut 12 and mid-portion 8 of clip 2 as shown in Figure 1c. Interposing the bulb portion of the main runner between the compression

strut and mid-portion of the clip provides rotational resistance and stability to the ceiling system when a wind up-lift force is applied thereto.

As indicated above, on page 2 of the Final Official Action, the Examiner states that Kielmeyer's bulb portion interposes element 51 and the combination of elements 24 and 29.<sup>1</sup> Appellants respectfully disagree. Kielmeyer's bulb portion (11) clearly does not interpose element 51 and the combination of elements 24 and 29. As this feature is not described, illustrated or suggested by Kielmeyer, claims 1 and 9, and all of the claims that depend therefrom, should be found allowable.

Rejection under 35 U.S.C. § 103(a) over Kielmeyer

Claims 6 and 7

Claims 6 and 7 each depend from independent claim 1. As set forth above, all of the limitations of claim 1 are not described or suggested by Kielmeyer. Thus, claims 6 and 7 each depend from an allowable claim and should be found allowable. Applicants request that the rejection of claims 6 and 7 based on § 103(a) be withdrawn.

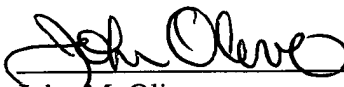
---

<sup>1</sup> In the Final Official Action, the Examiner equates the combination of Kielmeyer's central section (29) and divergent arms (24) to Appellants' claimed "mid-portion" and Kielmeyer's central top (11) to Appellants' bulb portion.

As Kielmeyer does not describe or suggest all of the limitations of independent claims 1 and 9, these claims, as well as claims 5-8, 16 and 22 which depend therefrom, are neither anticipated by nor obvious in view of Kielmeyer. Therefore, the rejections under 35 U.S.C. §102(b) and §103(a), should be withdrawn and claims 1, 5-9, 16 and 22 should be found allowable. Appellants request reversal of the rejections and allowance of the application.

Respectfully submitted,

10/21/05  
Date

  
\_\_\_\_\_  
John M. Olivo  
Registration No. 51,004  
Attorney for Appellants

CLAIMS APPENDIX

Pending Claims

1. A ceiling system comprising:

a grid formed from a plurality of parallel-extending main runners and a plurality of cross runners extending between the main runners, each main runner having a vertical web and a bulb portion;

a plurality of compression struts;

a plurality of panels resting within the grid; and

a plurality of clips, each clip having a first leg, a second leg and a mid-portion disposed between the first leg and the second leg;

wherein each first leg is in direct contact with and is secured to the vertical web of the main runner, each second leg is in direct contact with and is secured to the compression strut and each mid-portion conforms to the bulb portion of a main runner, the bulb portion being interposed between the compression strut and the mid-portion.

5. The ceiling system of claim 1, wherein the system is capable of meeting an up-lift classification 90.

6. The ceiling system of claim 1, wherein the plurality of compression struts are attached to the plurality of main runners at intervals of about 2 feet.

7. The ceiling system of claim 1, wherein the plurality of compression struts are attached to the plurality of main runners at intervals of up to about 12 feet.

8. The ceiling system of claim 1, wherein the plurality of panels are downwardly accessible.

9. A support member for a ceiling panel comprising  
a main runner having a vertical web and a bulb portion;  
a compression strut; and  
a clip comprising a first leg, a second leg and a mid-portion, wherein the first leg is in direct contact with and is secured to the vertical web of the main runner, the second leg is in direct contact with and is secured to the compression strut, and the mid-portion is disposed between the first leg and second leg and is shaped to conform to the bulb portion of the main runner;  
wherein the bulb portion is interposed between the compression strut and the mid-portion of the clip.

16. The support member of claim 9, wherein the support member supports a ceiling system capable of meeting an up-lift classification of at least 90.

22. The ceiling system of claim 1, wherein the first leg is secured to the main runner by a first fastening device selected from the group consisting of chemical and mechanical fastening

Appln. No. 10/084,795

Amended Appeal Brief Dated October 21, 2005

Reply to Notification of Non-Compliant Appeal Brief Dated September 23, 2005

devices and the second leg is secured to the compression strut by a second fastening device selected from the group consisting of chemical and mechanical fastening device.



Appln. No. 10/084,795

Amended Appeal Brief Dated October 21, 2005

Reply to Notification of Non-Compliant Appeal Brief Dated September 23, 2005

### EVIDENCE APPENDIX

None

Appln. No. 10/084,795

Amended Appeal Brief Dated October 21, 2005

Reply to Notification of Non-Compliant Appeal Brief Dated September 23, 2005

RELATED PROCEEDINGS APPENDIX

None